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10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**
12

13 In re:) BK-12-19467-abl
14) Chapter 13
15 Johnny Tarver)
16 and)
17 Larri Jean Tarver) Claim # 12
18)
19)
20)
21)
22)
23)
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25)
26)
27)
28)
Debtor(s)

29 **AMENDED MOTION FOR CORRECTIVE DOCKET ENTRY**

30 US BANK TRUST NATIONAL ASSOCIATION (hereinafter referred to as ("SECURED
31 CREDITOR")) by and through its undersigned attorney, hereby moves this court for an order directing the
32 Court Clerk to correct the docket entry for Plaintiff's Response to Notice of Final Cure Payment and
33 states as follows:

- 34 1. On or about August 15, 2012, the above referenced Debtor filed a Voluntary Petition for relief
35 pursuant to Chapter 13 of the United States Bankruptcy Code.
- 36 2. Jurisdiction in this case is granted to the Bankruptcy Court pursuant to 28 USC §1334 and 11
37 USC §362, and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy
38 Court generally.

3. On or about November 2, 2017, the Chapter 13 Trustee served a Notice of Final Cure Payment on SECURED CREDITOR.
4. On or about November 13, 2017 SECURED CREDITOR drafted a Response to Notice of Final Cure Payment and filed the same on November 17, 2017. (Exhibit "A")
5. By mistake, surprise, inadvertence or excusable neglect the undersigned uploaded the incorrect document to the ECF system under the "Claims Actions" Docketing Event tab. (Exhibit "B")
6. The Court Clerk did not issue a NEF and the undersigned did not learn about the error until December 3, 2017.
7. The undersigned immediately docketed the correct Response to Notice of Final Cure Payment on December 3, 2017.

WHEREFORE, SECURED CREDITOR prays this Court enter an order enter an Order directing the Court Clerk to docket SECURED CREDITOR'S Response to Notice of Final Cure Payment uploaded December 3, 2017 nunc pro tunc to November 17, 2017.

I HEREBY CERTIFY under penalty of perjury that the forgoing is true and correct this 13th day of December 2017.

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201 West Liberty St. Ste. 207
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Attorneys for Secured Creditor

By: /s/Nicholas M. Porras
Nicholas M. Porras, Esq.

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:)	BK-12-19467-abl
)	Chapter 13
Johnny Tarver)	
and)	Claim # 12
Larri Jean Tarver)	
)	
)	
)	
Debtor(s))	

CERTIFICATE OF SERVICE

1. On December 13, 2017 I served the following documents:
 - **Amended Motion for Corrective Docket Entry**
2. I served the above-named documents by the following means to the persons as listed below:
 - a. ECF System
Rick A. Yarnall
ecfmail@LasVegas13.com, ecfimport@lasvegas13.com
Chapter 13 Trustee
 - ECF System
Laura L. Fritz
Fiona@fritzlawyers.com, fritzbk@lvcoxmail.com; fritzlawyers@lvcoxmail.com
Attorney for Debtors

1
2 **I HEREBY CERTIFY** under penalty of perjury that the foregoing is true and
3 correct this 13th day of December, 2017.
4

5 **Waldman and Porras, PLLC**
6 **Nicholas M. Porras, Esq.**
7 **Bar Number: 12849**
8 **201 West Liberty St. Ste. 207**
9 **Reno, Nevada 89501**
10 **Ph 775.525.9246/Fax 888.688.4975**
11 **nick@dwaldmanlaw.com**
12 ***Attorneys for Secured Creditor***

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21 **By: /s/ Nicholas M. Porras, Esq.**
22 **Nicholas M. Porras, Esq.**
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:)	BK-12-19467-abl
)	Chapter 13
Johnny Tarver)	
and)	
Larri Jean Tarver)	Claim # 12
)	
)	
)	
)	
Debtor(s))	

PROPOSED ORDER FOR AMENDED MOTION FOR CORRECTIVE DOCKET ENTRY

IT IS HEREBY ORDERED that the Court Clerk shall docket SECURED CREDITOR'S Response to Notice of Final Cure Payment uploaded December 3, 2017 nunc pro tunc to November 17, 2017.

IT IS FURTHER ORDERED that SECURED CREDITOR'S Response to Final Cure Payment is deemed timely pursuant to Fed.R.Bank.P.3002.1(g).

Submitted by:

Waldman & Porras, PLLC

By /s/Nicholas M. Porras, Esq.

Nicholas M. Porras, Esq.

Attorney for Secured Creditor

APPROVED/DISAPPROVED

By: _____

Rick Yarnall

Chapter 13 Trustee

Fill in this information to identify the case.

08:48:30 Page 1 of 2

Debtor 1 Johnny Tarver

Debtor 2 Larri Jean Tarver
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of Nevada
(State)

Case number 12-19467 -abl

Exhibit "A"

Form 4100R

Response to Notice of Final Cure Payment

10/15

According to Bankruptcy Rule 3002.1(g), the creditor responds to the trustee's notice of final cure payment.

Part 1: Mortgage Information

Name of creditor: US Bank Trust National Association Court claim no. (if known): 12

Last 4 digits of any number you use to identify the debtor's account: 8 2 6 3

Property address: 1920 Ashburn Drive
Number Street

North Las Vegas NV 89032
City State ZIP Code

Part 2: Prepetition Default Payments

Check one:

- ☒ Creditor agrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim.
- ☐ Creditor disagrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim. Creditor asserts that the total prepetition amount remaining unpaid as of the date of this response is: \$ _____

Part 3: Postpetition Mortgage Payment

Check one:

- ☐ Creditor states that the debtor(s) are current with all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

The next postpetition payment from the debtor(s) is due on: 01 / 01 / 2016
MM / DD / YYYY

- ☒ Creditor states that the debtor(s) are not current on all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

Creditor asserts that the total amount remaining unpaid as of the date of this response is:

- a. Total postpetition ongoing payments due: (a) \$ 27,958.73
- b. Total fees, charges, expenses, escrow, and costs outstanding: + (b) \$ 5,749.78
- c. Total. Add lines a and b. (c) \$ 33,708.51

Creditor asserts that the debtor(s) are contractually obligated for the postpetition payment(s) that first became due on:

01 / 01 / 2016
MM / DD / YYYY

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Debtor 1 Johnny Tarver and Larri Jean Tarver
First Name Middle Name Last NameCase number (if known) 12-19467-abl**Part 4: Itemized Payment History**

If the creditor disagrees in Part 2 that the prepetition arrearage has been paid in full or states in Part 3 that the debtor(s) are not current with all postpetition payments, including all fees, charges, expenses, escrow, and costs, the creditor must attach an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- ☐ all payments received;
- ☐ all fees, costs, escrow, and expenses assessed to the mortgage; and
- ☐ all amounts the creditor contends remain unpaid.

Part 5: Sign Here

The person completing this response must sign it. The response must be filed as a supplement to the creditor's proof of claim.

Check the appropriate box::

- ☐ I am the creditor.
- ☒ I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided in this response is true and correct to the best of my knowledge, information, and reasonable belief.

Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this response applies.

☒ /s/ Nicholas M. Porras, Esq.

Date 11 / 13 / 2017

Signature

Print

Nicholas M. Porras
First Name Middle Name Last Name

Title Partner

Company _____

If different from the notice address listed on the proof of claim to which this response applies:

Address 201 West Liberty St. Ste. 207

Number Street

Reno, NV 89501

City State ZIP Code

Contact phone (775) 525 - 9246

Email nick@dwladmanlaw.com

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Exhibit "B"UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:

CASE NO. 12-19467-ABL
CHAPTER 13JOHNNY TARVER
LARRI JEAN TARVER

JUDGE AUGUST B. LANDIS

DEBTORS

NOTICE OF FINAL CURE PAYMENT

Pursuant to Federal Rule of Bankruptcy Procedure 3002.1(f), the Chapter 13 Trustee, RICK A YARNALL, TRUSTEE files this Notice of Final Cure Payment. The amount required to cure the default in the claim listed below has been paid in full.

Name of Creditor: US BANK TRUST NATIONAL ASSOCIATION

Final Cure Amount

<u>Court Claim #</u>	<u>Account Number</u>	<u>Claim Asserted</u>	<u>Claim Allowed</u>	<u>Amount Paid</u>
12	8263	\$17,402.92	\$17,402.92	\$17,402.92
Total Amount Paid by Trustee				\$17,402.92

Monthly Ongoing Mortgage Payment

Mortgage is Paid:

☐ Through the Chapter 13 Conduit☒ Direct by the Debtors

Within 21 days of the service of the Notice of Final Cure Payment, the creditor MUST file and serve a Statement as a supplement to the holder's proof of claim on the Debtors, Debtors' Counsel and the Chapter 13 Trustee, pursuant to Fed.R.Bank.P.3002.1(g), indicating 1) whether it agrees that the Debtors have paid in full the amount required to cure the default on the claim; and 2) whether the Debtors are otherwise current on all payments consistent with 11 U.S.C. § 1322(b)(5).

The statement shall itemize the required cure or post-petition amounts, if any, that the holder contends remain unpaid as of the date of the statement. The statement shall be filed as a supplement to the holder's proof of claim and is not subject to Rule 3001(f). Failure to notify may result in sanctions.

/s/ RICK A YARNALL, TRUSTEE

RICK A YARNALL, TRUSTEE

Chapter 13 Trustee

701 BRIDGER AVE

SUITE 820

LAS VEGAS, NV 89101

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CASE NO. 12-19467-ABL

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Final Cure Payment was served on the parties listed below by ordinary U.S. Mail or served electronically through the Court's ECF System at the e-mail address registered with the Court on this 2nd day of November, 2017.

[x] a. ECF System:

BSI FINANCIAL SERVICES (km) prpbk@bsifinancial.com
•LAURA L. FRITZ fiona@fritzlawyers.com, fritzbk@lvcoxmail.com; fritzlawyers@lvcoxmail.com
•MICHELLE RENE GHIDOTTI-GONSALVES ECFNotifications@ghidottilaw.com
•CHARLES L KENNON charlesk@w-legal.com, jodyr@w-legal.com
•KRISTA J. NIELSON knielson@wrightlegal.net, nvbkfiling@wrightlegal.net; jcraig@wrightlegal.net
•DANA JONATHON NITZ dnitz@wrightlegal.net, nvbkfiling@wrightlegal.net;
jcraig@wrightlegal.net
•JUSTIN D PLEAN bkyecf@rasflaw.com, jplean@rasflaw.com; ras@ecf.courtdrive.com
•JOHN D SCHLOTTER ecfnvb@aldridgepite.com, jschlotter@ecf.inforuptcy.com
•GREGORY L. WILDE nvbk@tblaw.com, gwaring@tblaw.com; awarner@tblaw.com
•RICK A. YARNALL ecfmail@LasVegas13.com, ecimport@lasvegas13.com

[x] b. United States mail, postage fully prepaid:

JOHNNY TARVER, LARRI JEAN TARVER, 1920 ASHBURN DR., NORTH LAS VEGAS,
NV 89032

US BANK TRUST NATIONAL ASSOCIATION, BSI FINANCIAL SERVICES, 1425
GREENWAY DRIVE, STE 400, IRVING, TX 75038

[] c. Personal Service:

[] d. By direct mail (as opposed to through the ECF System):

[] e. By fax transmission:

ELECTRONIC SERVICE - United States Trustee

Date: November 02, 2017

/s/ Leah Engel

Leah Engel, an Employee of
RICK A. YARNALL
Chapter 13 Bankruptcy Trustee